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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,804	08/27/2003	Mark W. Kiel	8200.739	3933

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EXAMINER

ELVE, MARIA ALEXANDRA

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,804	Applicant(s) KIEHL, MARK W.	
	Examiner M. Alexandra Elve	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/8/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6-8, 11, & 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Duley et al. (US Pat. 6,426,153).

Duley et al. discloses a tailored blank, which is used in a vehicle frame. The blank is constructed of sheet metal parts (mild steel, aluminum and so forth) welded together. Although laser welding is preferred, alternative welding techniques may be used. Figures show the different types of blank construction, that is, lengthwise and perimeter wise. (abstract, figures, col. 1, lines 19-67, col. 2, lines 1-7, col. 4, lines 62-67, col. 5, lines 45-50, col. 6, lines 33-54)

Claims 1, 3, 7-8, 10, & 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Durand (US Pat. 5,966,813).

Durand discloses joining dissimilar materials bonded by magnetic pulse welding to form a vehicle frame component. Figures show that the two-component construction is secured in a perimeter fashion. (abstract, figures, col. 1, lines 63-67, col. 2, lines 1-13, col. 4, lines 59-67, col. 5, lines 1-28)

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Claims 1-2 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tietz (US Pat. 2,471,663).

Tietz discloses composite blank that is used for the production of cooking utensils. Materials, which may make up the composite, include aluminum, cast iron, enameled steel, tinned steel, copper-plated steel, copper, copper alloys, stainless steel, nickel-plated steel and nickel-chromium alloys. The composite blank is formed from a plurality of singular plates and is suitable for contouring and forming utensils. (abstract, figures, col. 1, lines 10-14 col. 2, lines 43-57, col. 3, lines 5-10, col. 7, lines 58-70)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 9 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duley et al., as stated in the above paragraph and further in view of Tietz and Durand.

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Duley et al. discloses a composite blank made of two materials that are laser welded together. Duley et al. does not teach magnetic pulse welding, weldbrazing or the use of a third sheet in the composite blank.

Durand discloses joining dissimilar materials bonded by magnetic pulse welding to form a vehicle frame component. It would have been obvious to one of ordinary skill in the art at the time of the invention to use magnetic pulse welding as taught by Durand in the Duley et al. system because this is merely an alternative welding technique. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention to use weldbrazing in the Duley et al. system because this merely an alternative welding technique and is essentially, a function substitute.

Tietz discloses composite blank formed from a plurality of singular plates. Materials, which may make up the composite, include aluminum, cast iron, enameled steel, tinned steel, copper-plated steel, copper, copper alloys, stainless steel, nickel-plated steel and nickel-chromium alloys. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a plurality of singular sheets, as taught by Tietz in the Duley et al. system because it would enhance the mitigate the complexity of frame construction.

Claims 5,9 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durand, as stated in the above paragraph and further in view of Tietz and Duley et al.

Durand discloses joining two dissimilar component materials bonded by magnetic pulse welding to form a vehicle frame component. Durand does not teach laser welding, weldbrazing or the use of a third sheet in the composite blank.

Duley et al. discloses a composite blank made of two materials that are laser welded together. It would have been obvious to one of ordinary skill in the art at the time of the invention to use laser welding as taught by Duley et al. in the Durand system because this is merely an alternative welding technique. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention to use weldbrazing in the Durand system because this is merely an alternative welding technique and is essentially, a function substitute.

Tietz discloses composite blank formed from a plurality of singular plates. Materials, which may make up the composite, include aluminum, cast iron, enameled steel, tinned steel, copper-plated steel, copper, copper alloys, stainless steel, nickel-plated steel and nickel-chromium alloys. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a plurality of singular sheets, as taught by Tietz in the Durand system because it would enhance the mitigate the complexity of frame construction.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See US PTO-892.

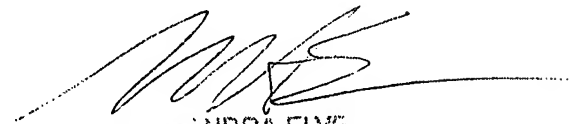
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 6:30-3:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 703-308-2383. The fax phone number for the organization where this application or proceeding is assigned is 571-272-1171.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 21, 2005.



M. ALEXANDRA ELVE
PATENT EXAMINER